

## FACT SHEET

SUBJECT: Summary of Rules for Acceptance of Gifts to Wounded, Injured or Ill Service Members

1. General. Federal gift acceptance rules contain a general prohibition on Federal personnel accepting gifts offered because of their official positions or offered by a prohibited source. (5 CFR 2635.201(b)(4) and 2635.202(a)). There are several exceptions, however, that normally will permit acceptance of gifts by wounded, injured, or ill service members.

2. Gifts Offered Because of the Official Position of a Soldier or Employee.

a. Regardless of from whom a gift comes or its value, if it is offered because of the federal employee's position, it cannot be accepted.

b. On November 8, 2005, the Army Deputy General Counsel (Ethics and Fiscal) made a blanket determination that gifts offered by outside sources to wounded Soldiers are offered by virtue of their medical condition rather than their official position. The Deputy General Counsel also determined that gifts are offered to wounded, injured, or ill Soldiers or employees because of altruistic reasons rather than an attempt to influence the individual's performance of official duties or responsibilities or compromise the integrity of officials or DoD programs. As a result of these determinations, gifts offered to wounded, injured, or ill Soldiers and employees from **non-prohibited sources** may be accepted.

3. Gifts Offered by Prohibited Sources.

a. Gifts offered by a prohibited source may not be accepted unless an exception applies. **A prohibited source means** any person or entity that is seeking official action by the employee's agency; does business or seeks to do business with the employee's agency; conducts activities regulated by the employee's agency; has interests that may be substantially affected by performance or nonperformance of the employee's official duties; or is an organization a majority of whose members are such persons.

b. Excepted from this restriction are:

(1) Items of value less than \$20; however, there is a \$50/year limit on gifts from the same source.

(2) Benefits available to the public or all military personnel, whether or not restricted on the basis of geographic considerations. (5 CFR 2635.203(b)(4)). This covers most broad military discount or free attendance offers or "bulk gifts" (like 10,000 football tickets).

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(3) Awards for meritorious public service or achievement from a person who does not have interests that may be substantially affected by the recipient. (5 CFR 2635.204(d)). All cash awards and any award of value over \$200 require a written ethics counselor determination that the award is regularly made pursuant to written standards. Many gifts to “heroes,” “combated-decorated veterans,” and similar categories may be accepted under this provision.

4. Other Issues.

a. Service members and federal employees may not solicit gifts from prohibited sources. (5 CFR 2635.202(c)(2)).

b. If you have any questions, contact an ethics counselor at the Administrative Law Division, (502) 624-7414/4668.

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